

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AIDA BECERRIL,

Plaintiff,

– *against* –

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

ORDER

20-cv-10315 (ER)

RAMOS, D.J.:

Plaintiff Becerril applied for Disability Insurance and Supplemental Security Income benefits on May 19, 2018, alleging disability beginning July 17, 2017. Doc. 13 at 195–210. Plaintiff’s applications were denied initially and on reconsideration. She requested a hearing before an Administrative Law Judge (“ALJ”), and a hearing was held on September 5, 2019, before ALJ Zachary Weiss. *Id.* at 54. On February 5, 2020, the ALJ issued a decision denying the applications. *Id.* at 15–37. Thereafter, Becerril commenced this action by filing a Complaint on December 8, 2020. Doc. 1. On January 10, 2022, the parties filed a Joint Stipulation in lieu of motions for judgment on the pleadings. Doc. 20.

The case was initially assigned to Magistrate Judge Ona T. Wang, but on October 25, 2022 the Court reassigned the case to Magistrate Judge Gary R. Jones. Magistrate Judge Jones issued a Report and Recommendation (“R & R”) on November 7, 2022, recommending that the Commissioner of Social Security be granted judgment on the pleadings and that this case be dismissed. Doc. 22. Additionally, Judge Jones notified the parties that they had fourteen days from service of the R & R to file written objections. *Id.* That period has passed, and no objection to the R & R has been filed.

I. STANDARD OF REVIEW

A district court reviewing a magistrate judge's report and recommendation "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). Parties may raise "specific," "written" objections to the report and recommendation "[w]ithin fourteen days after being served with a copy." *Id.*; *see also* Fed. R. Civ. P. 72(b)(2).

A district court reviews *de novo* those portions of the report and recommendation to which timely and specific objections are made. 28 U.S.C. § 636(b)(1)(C); *see also United States v. Male Juvenile (95-CR-1074)*, 121 F.3d 34, 38 (2d Cir. 1997). The district court may adopt those parts of the report and recommendation to which no party has timely objected, provided no clear error is apparent from the face of the record. *Lewis v. Zon*, 573 F. Supp. 2d 804, 811 (S.D.N.Y. 2008).

II. DISCUSSION

Notwithstanding that no objections were filed, the Court reviewed Magistrate Judge Jones' thorough and well-reasoned R &R and finds no error, clear or otherwise. The Court therefore adopts Magistrate Judge Jones' recommendations.

For the reasons set forth above, the Commissioner of Social Security is granted judgment on the pleadings and the Commissioner's final decision is affirmed. The Clerk of the Court is respectfully directed to terminate the Joint Stipulation, Doc. 20., and close the case.

It is SO ORDERED.

Dated: March 8, 2023
New York, New York



EDGARDO RAMOS, U.S.D.J.